

**OKLAHOMA COMMISSION ON CHILDREN AND YOUTH
OFFICE OF JUVENILE SYSTEM OVERSIGHT**

Report Release Date: October 12, 2011

**Review of the Death of Ahonesty Hicks
of Oklahoma County of Oklahoma**

Dates and Outcome of Investigations and Actions Taken by the Department of Human Services; Actions Taken by the District Attorney; and Dates and Summary of Judicial Proceedings and Rulings of the Court

General Information

On May 4, 2011, the Office of Juvenile System Oversight (OJSO) received a request for a public report pursuant to Title 10A Section 1-6-105 in regard to the death of Ahonesty Hicks, a one year old child who died on May 3, 2011. Deandre Wells was charged with First Degree Murder on May 20, 2011, following the death of Ahonesty. Mr. Wells is the father of Ahonesty's half-sibling.

Authorization

Title 10A, Section 1-6-105, B, D and E, of the Oklahoma Statutes, states:

B. When a person responsible for a child has been charged by information or indictment with committing a crime resulting in the death or near death of the child, there shall be a presumption that the best interest of the public is served by public disclosure of certain information concerning:

1. The circumstances of the investigation of the death or near death of the child; and
2. Any other investigations concerning that child, or other children while living in the same household, within:
 - a. three (3) years of the death or near-death, and
 - b. one (1) year after the death or near-death.

D. 1. At any time subsequent to seven (7) days after the date the person responsible for the child has been criminally charged, the Oklahoma Commission on Children and Youth shall, upon request, release certain information to the public within sixty (60) days of the request as follows:

a. a confirmation shall be provided by the Commission as to whether a report of suspected child abuse or neglect has been made concerning the alleged victim or other children while living in the same household and whether an investigation has begun,

b. confirmation shall be provided by the Commission as to whether previous reports of suspected child abuse or neglect have been made and the dates thereof, a summary of those previous reports, the dates and outcome of any investigations or actions taken by the Department [OKDHS] and the Commission in response to any previous report of child abuse or neglect, and the specific recommendation made to the district attorney and any subsequent action taken by the district attorney,

c. the dates of any judicial proceedings prior to the death or near death of the child,

d. recommendations submitted by the Department [OKDHS] and the Commission shall be provided in writing including recommendations made at the hearing as they relate to custody or placement of a child, and

e. the rulings of the court.

2. Specific recommendations made by the Commission described in any progress reports of a pending case submitted to the court may be disclosed by the Commission.

E. Any disclosure of information pursuant to this section shall not identify or provide an identifying description of any complainant or reporter of child abuse or neglect, and shall not identify the name of the child victim's siblings or other children living in the same household, the parent or other person responsible for the child, or any other member of the household, other than the person criminally charged.

Identifiers:

Childs's name:	Ahonesty Hicks
Date of Birth:	December 2, 2009
Alleged Perpetrators:	Deondre Wells
Half-Sibling:	Two months old

Case History

Report 1 March 15, 2011 (Oklahoma County)

The OKDHS received a referral alleging that Ahonesty's mother tested positive for phencyclidine (PCP) on March 9, 2011, prior to giving birth to Ahonesty's sibling on March 15, 2011. The referral further alleged Ahonesty's mother tested positive for PCP after the sibling's birth. The referral also alleged that the sibling subsequently tested positive for PCP at birth.

The OKDHS accepted the report as a Priority I Investigation with contact to be made with the child victim on the same day. Those persons interviewed during the investigation included Ahonesty's mother, Mr. Wells, and Ahonesty. In addition, the OKDHS interviewed relatives and four collateral witnesses.

The OKDHS documented that the sibling tested positive for 146ng/gm of PCP and that the threshold for a positive PCP test was 35ng/gm. The OKDHS further documented that the sibling did not exhibit withdrawal symptoms of PCP and therefore, the OKDHS would not request a pick-up order for the sibling.

The OKDHS documented that Ahonesty's mother denied current or past substance abuse and reported that she unknowingly smoked cigarettes that were laced with PCP. The OKDHS also documented that the mother reported that she along with Ahonesty and Ahonesty's sibling lived with relatives and that Mr. Wells did not live in the home at this time. The OKDHS further documented that the mother reported that both children sleep with her or a relative and that she intended to obtain a crib for the sibling.

The OKDHS documented that Mr. Wells was the father of Ahonesty's sibling. The OKDHS documented that Mr. Wells denied current or past substance abuse.

The OKDHS documented interviews with the relatives and collateral witnesses noted no concerns regarding the care provided to Ahonesty and her sibling by Mr. Wells or their mother.

On June 9, 2011, the OKDHS documented the finding of Substantiated-Services Recommended regarding the allegation of Threat of Harm of Ahonesty and the sibling by their mother and Mr. Wells. The OKDHS also documented the recommendation that the mother along with the two children remain in the home of a relative until the mother was able to establish stable housing.

Report 2 March 30, 2011 (Oklahoma County)

The OKDHS received a referral alleging that Ahonesty's mother and Mr. Wells had a domestic dispute inside a moving vehicle and that Ahonesty and the sibling were passengers in the vehicle during the alleged dispute. The referral alleged that the mother was driving the car while Mr. Wells was "punching things in the car". The referral also alleged that after the mother stopped the car, she exited the vehicle, and left the children in the vehicle with Mr. Wells. Reportedly, Mr. Wells "drove off and fish tailed" and subsequently wrecked the vehicle. The referral further alleged that Mr. Wells removed the children from the car and left the scene of the accident.

The OKDHS accepted the report as a Priority I Investigation with contact to be made with the child victim on the same day. Those persons interviewed during the investigation included Ahonesty's mother, relatives, and four collateral witnesses.

The OKDHS documented that Ahonesty's mother confirmed that the couple engaged in a domestic dispute in the presence of the children while in a moving vehicle. Reportedly, the children were securely fastened by their seatbelts in the back seat of the vehicle. The OKDHS also documented that the mother reported that she was nearly hit by the vehicle when Mr. Wells drove away after she stopped and exited the vehicle on the side of the road. Reportedly, the mother did not retrieve the children from the vehicle and when Mr. Wells drove away, the back door of the vehicle was ajar, and was hitting-up against the vehicle. The OKDHS also documented that the mother reported that Mr. Wells and the children were in a one car accident shortly after Mr. Wells drove away. The OKDHS also documented that Mr. Wells left the scene of the vehicular accident with the children in his physical custody. Reportedly, the mother later observed the scene of the accident and located the children at the home of a relative.

The OKDHS documented that Mr. Wells refused to cooperate with the CPS investigation and was not interviewed by the OKDHS CPS Investigator.

The OKDHS documented that the relatives and two of the collateral witnesses did not report concerns regarding the mother and Mr. Wells as it pertained to the safety of the children. The OKDHS also documented that two of the collateral witnesses did report concerns regarding the mother and Mr. Wells as it pertained to the safety of the children.

On June 9, 2011, the OKDHS documented a finding of Substantiated-Services Recommended regarding the allegation of Threat of Harm of the children by their mother and Mr. Wells. The OKDHS also documented the recommendations that the mother continue with the guardianship of the children by a relative, Mr. Wells obtain

anger management counseling, a substance abuse assessment, and participate in domestic violence education.

OKDHS Immediate Protective Action Plan/ Voluntary Safety Plan March 30, 2011

The OKDHS documented that Mr. Wells was an identified safety threat and that the mother needed to protect both children from Mr. Wells. The OKDHS also documented that the mother acknowledged that she “had no room for error” and she reported that she would do what she needed to do to keep the children safe. The OKDHS further documented that the action to be taken in relation to the identified safety threat was that Ahonesty and the sibling would be placed in the home of a relative and that the relative would pursue guardianship of the children.

Report 3 May 3, 2011(Oklahoma County)

The OKDHS received a referral alleging the near death of Ahonesty. Reportedly, Ahonesty sustained “severe abusive head trauma” and was not able to breathe on her own. Subsequently, Ahonesty was admitted to a hospital located in Oklahoma City, Oklahoma.

The OKDHS accepted the report as a Priority I Investigation with contact to be made with the child victim on the same day.

The OKDHS documented that Ahonesty was unresponsive and in respiratory distress when she was presented at the hospital and was diagnosed with two subdural hematomas, brain swelling, retinal hemorrhaging, and facial bruising. Reportedly, the abuse was so severe that Ahonesty’s optic nerve had been torn away from her brain during the motion.

The OKDHS case documentation found that Mr. Wells admitted that he shook and threw Ahonesty down on the floor because she distracted him while he was bathing the sibling in a “baby bathtub”. The OKDHS also documented that Mr. Wells reported that Ahonesty vomited when he shook her and fell on the bathroom floor twice when he went to place her in the bathtub to clean her. Reportedly, while he attended to Ahonesty, the sibling was left alone in the baby bathtub. Subsequently, he left Ahonesty alone in the bathtub, returned to the sibling, and found the sibling submerged and “bubbling” under the water. The OKDHS further documented that the sibling did not sustain injuries due to the submersion in the water.

The OKDHS case documentation found that Mr. Wells was questioned regarding the circumstances of the vehicle accident that occurred on March 29, 2001. The OKDHS documented that Mr. Wells reported that the day of the accident, he fell asleep after he

took “pills” and woke-up to find himself in the front passenger seat of a vehicle that was being driven by the mother and that she was smoking PCP.

The OKDHS also documented that Mr. Wells reported that the couple began to argue over the mother’s use of PCP and that she eventually stopped and exited the car on the side of the road. The OKDHS further documented that Mr. Wells reported that after the mother exited the vehicle, he drove away, passed-out, and woke-up when the accident occurred.

The OKDHS documented that Ahonesty’s mother denied current or past substance abuse. The OKDHS also documented that Ahonesty’s mother reported that she worked all night and returned home on the morning of May 3, 2001, and found Ahonesty to be “sluggish” and cold. The OKDHS further documented that the mother reported that Mr. Wells informed her that Ahonesty was sick and had been throwing-up. Reportedly, the mother called a relative and requested that the relative transport the mother and Ahonesty to the emergency room. The OKDHS documented that after the phone call, the mother dressed Ahonesty and fixed Ahonesty’s hair. Reportedly, Ahonesty was unconscious but breathing during the activity. The OKDHS also documented that the relative arrived to the home several hours later and immediately called 9-1-1. The OKDHS further documented that the mother reported no safety concerns regarding the children while in the care of Mr. Wells.

Reportedly, the mother did not understand the imminent safety concerns of the OKDHS regarding the sibling and did not understand why the sibling was placed in the emergency custody of the OKDHS.

The OKDHS documented that the relative reported that she did not rush to the home when the mother contacted her and requested that she transport the mother and Ahonesty to the emergency room. The OKDHS also documented that the relative denied that she was aware the couple had a history of domestic violence. The OKDHS case contained documentation that the relative signed a safety plan on March 30, 2011, and agreed to assist the mother in protecting the children from Mr. Wells, and pursue guardianship of the children.

On July 25, 2011, the OKDHS documented a finding of Substantiated-Court Intervention as it pertained to the allegations of Abuse of Ahonesty by Mr. Wells; Failure to Protect as it pertained to Ahonesty’s mother regarding the death of Ahonesty; and Threat of Harm as it pertained to Ahonesty’s mother and Mr. Wells regarding the surviving sibling. The OKDHS also documented the recommendation that the Oklahoma County District Attorney file the deprived petition as heinous and shocking to the mother and Mr. Wells.

Report 4 May 5, 2011 (Oklahoma County)

The OKDHS received a referral alleging the near death of Ahonesty.

The OKDHS Screened Out the report and documented that it was a duplicate report of Report 3.

District Court of Oklahoma County Emergency Custody Hearing May 11, 2011

An emergency custody hearing was held and the Court ordered that the sibling remain in the custody of the OKDHS.

Oklahoma County District Attorney May 12, 2011

The Oklahoma County District Attorney filed a deprived petition regarding the sibling. The petition documented that the failure of the mother to protect the sibling from abuse was heinous and shocking and that the District Attorney would seek the termination of Ahonesty's mother's parental rights. The petition also documented that the abuse of Ahonesty by Mr. Wells was heinous and shocking and that the District Attorney would seek the termination of the father's parental rights.

District Court of Oklahoma County Emergency Custody Hearing May 16, 2011

An emergency custody hearing was held and the Court ordered that the sibling remain in the custody of the OKDHS.

District Court of Oklahoma County Pre-Trial Hearing and Permanency Hearing

June 6, 2011

A pre-trial hearing and permanency hearing was held. The Court documented that the mother requested a jury trial as it pertained to the petition. The OKDHS Court Report documented that the OKDHS recommended that the sibling remain in the custody of the OKDHS and that the parental rights of the parents be terminated as to the sibling.

*Assessment of Child Safety June 9, 2011 (Oklahoma County)

Regarding Report 1 dated March 15, 2011, the OKDHS documented that the based on the Assessment of Child Safety, the sibling was determined to be unsafe and was in an environment with safety threats. The OKDHS also documented that the determination of the Assessment of Child Safety was a direct result of Ahonesty's death and the subsequent First Degree Murder charge against Mr. Wells regarding Ahonesty's death, and **not** the information obtained during the investigation of the noted allegation contained in Report 1. The case documentation reviewed by the OJSO did not contain

a corresponding Immediate Protective Action Plan/Voluntary Safety Plan regarding the allegations and safety threats noted in Report 1.

*Assessment of Child Safety June 9, 2011 (Oklahoma County)

Regarding Report 2 dated March 30, 2011, the OKDHS documented that the children were determined to be unsafe based on the Assessment of Child Safety and that the children were in an environment that contained safety threats. The OKDHS also documented that the mother initiated guardianship proceedings and signed an Immediate Protective Action Plan/Voluntary Safety Plan that documented that the children needed to remain in the guardianship placement until the court-ordered guardianship became effective.

Report of Autopsy June 24, 2011

The state of Oklahoma Office of the Chief Medical Examiner autopsy report documented that traumatic brain injury due to blunt force caused the death of Ahonesty and that homicide was the manner of her death.

*Two CPS Investigations and two Assessments of Child Safety were completed and approved by an OKDHS CPS Supervisor on June 9, 2011. The first completed investigation and assessment is in regards to Report 1 received March 15, 2011. The second is associated with Report 2, received March 30, 2011.
